



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,408	08/24/2000	Beerud D. Sheth	4480 US	5839

7590 08/13/2003

JAE WON SONG, ESQ.
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW,, CA 94041

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,408

Applicant(s)

SHETH ET AL.

Examiner

Mary Cheung

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,5,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Bukow, U. S. Patent 6,567,784.

As to claim 12, Bukow teaches a computer implemented method, comprising:

- a) Accepting on a website, the posting of a service offering by a seller (column 8 lines 2-9 and Figs. 1, 3, 8);
- b) Receiving requirements for the service offering from a buyer (column 8 line 49 – column 9 line 3 and Figs. 1, 4-5, 8);
- c) Returning an optimized list of service offering to the buyer in accordance with the buyer's requirements (column 8 line 49 – column 9 line 3);
- d) Accepting a purchase request for the service offering from the buyer (column 8 line 49 – column 9 line 3 and Figs. 1, 6-8).

As to claim 13, Bukow teaches at least one of the buyer's requirement is inflexible (Fig. 8).

As to claim 14, Bukow teaches the optimized list includes service offerings that meet all of the buyer's requirements (abstract and column 8 line 49 – column 9 line 3).

As to claim 15, Bukow teaches the optimized list includes service offerings that meet a subset of the buyer's requirements (abstract and column 8 line 49 – column 9 line 3).

As to claim 17, Bukow teaches in a computer system, an apparatus used by a buyer and seller for buying and selling services over a network, comprising: a web server for connecting to the network; an application connected to the web server for generating information based on communication with the buyer and seller; a database connected to the application for storing information received from the application in memory (column 5 lines 46-52 and column 11 line 33 – column 12 line 3 and Figs. 1, 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

Art Unit: 3621

commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 9, 16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bukow, U. S. Patent 6,567,784 in view of Salas et al., U. S. Patent 6,233,600.

As to claim 1, Bukow teaches a computer implemented method, comprising:

- a) Accepting a posting on website of a project that a buyer wants to completed (column 8 lines 2-3 and Figs. 1, 3, 8);
- b) Receiving a bid on the project from a seller (column 4 lines 10-19 and Fig. 1);
- c) Allowing the buyer to accept the received bid from the seller (column 8 line 56 – column 9 line 3);
- d) Allowing the buyer and the seller to work on the project (Figs. 1, 6-8).

Bukow does not specifically teach allowing the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyers and the seller. However, this matter is taught by Salas as allowing only the members who are assigned to the project work in a collaborative workspace (abstract and column 4 line 66 – column 5 line 11 and Fig. 8). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the teachings of Bukow to include the feature of allowing the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyer and the seller because this would allow both of the buyer and the seller to quickly and securely accomplish the project.

Art Unit: 3621

As to claim 2, Bukow teaches the posting includes a project name (Figs. 3, 8).

As to claim 3, Bukow teaches the posting includes a project description (Fig. 8).

As to claim 4, Bukow teaches the posting includes a category (Fig. 8).

As to claim 5, Bukow teaches the posting includes a project name (Figs. 1, 8).

As to claim 9, Bukow does not specifically teach the collaborative workspace includes: one or more communication tools; a file structure; one or more workbenches; and one or more project management tools. However, Salas teaches these matters (Salas: Figs. 1-4).). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the teachings of Bukow modified by Salas as discussed above to include these features because these would allow both of the buyer and the seller to quickly and securely accomplish the project.

As to claim 16, Bukow teaches a computer implemented method, comprising:

- a) Accepting on a website, the posting of a service offering for a project by a seller (column 8 lines 2-9 and Figs. 1, 3, 8);
- b) Receiving requirements for the service offering from a buyer (column 8 line 49 – column 9 line 3 and Figs. 1, 4-5, 8);
- c) Accepting a purchase request for the service offering from the buyer (column 8 line 49 – column 9 line 3 and Figs. 1, 6-8);
- d) Allowing the buyer and the seller to work on the project (Figs. 1, 6-8).

Bukow does not specifically teach allowing the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyers and the seller.

However, this matter is taught by Salas as allowing only the members who are assigned

Art Unit: 3621

to the project work in a collaborative workspace (abstract and column 4 line 66 – column 5 line 11 and Fig. 8). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the teachings of Bukow to include the feature of allowing the buyer and the seller to work on the project in a collaborative workspace accessible by only the buyer and the seller because this would allow both of the buyer and the seller to quickly and securely accomplish the project.

Claims 18-21 are rejected for the similar reasons as claims 1 and 16.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bukow, U. S. Patent 6,567,784 in view of Salas et al., U. S. Patent 6,233,600 in further view of Rackson et al., U. S. Patent 6,415,270.

As to claim 6-8, Bukow modified by Salas teaches receiving a bid on the project as discussed above. Bukow modified by Salas does not specifically teach the bid is received in a closed auction, an open auction, or in a Dutch auction. However, Rackson teaches this matter (column 17 lines 16-29 and Figs. 5-9). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the bid in the modified teachings of Bukow and Salas to be received from different types of auctions for generating the best matches for different types of user.

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bukow, U. S. Patent 6,567,784 in view of Salas et al., U. S. Patent 6,233,600 in further view of Srivastava et al., U. S. Patent 6,374,292.

As to claims 10-11, Bukow modified by Salas teaches receiving a bid on the project as discussed above. Bukow modified by Salas does not specifically teach the

Art Unit: 3621

file structure includes at least one private folder and/or at least one shared folder.

However, Srivastava teaches this matter (Fig. 3). It would have been obvious to one ordinary skill in the art at the time the invention was made to allow the file structure of Bukow modified by Salas includes at least one private folder and/or at least one shared folder because this would allow the users to have options to secure or share certain information based on the best interest of the project.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bly et al. (U. S. Patent 5,008,853) discloses a multi-user collaborative system in which the contents as well as the current status of other user activity a shared structured data object can be concurrently accessed by different users.

Notani et al. (U. S. Patent 6,442,528) discloses exemplar workflow used in the design and deployment of a workflow for multi-enterprise collaboration.

Varma et al. (U. S. Patent 6,564,246) discloses a synchronous collaboration environment that supports real-time collaboration of multiple participants, each having shared and independent views of the shared workspace.

Preist et al. (EP 0 952 536 A1) discloses a negotiation system making calculations on the basis of the information published by the mediation process.

Art Unit: 3621

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

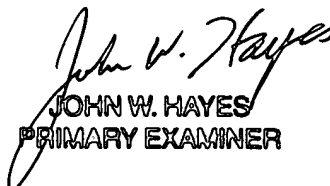
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687 (Official Communications; including After Final
Communications labeled "BOX AF")
(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Mary Cheung
Patent Examiner
Art Unit 3621
July 30, 2003


JOHN W. HAYES
PRIMARY EXAMINER